



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 99(2017)

A BILL FOR AN ORDINANCE

RELATING TO BUS STOPS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The Council finds that the City has invested significant public resources in the development and maintenance of City bus stops, including the benches and shelters that are intended to serve patrons of the City's bus system and are necessary to the City's provision of convenient and efficient bus service. The Council further finds that persons not intending to ride the bus lie down at bus stops, obstructing or inconveniencing legitimate bus riders and creating unsafe and unsanitary conditions, thereby potentially discouraging bus ridership. The Council wishes to ensure that bus stop areas, including shelters, benches, and other amenities provided for the use of City bus riders, are readily available to them. The purpose of this ordinance is to preserve the use of City bus stops for patrons of the City's bus system.

SECTION 2. Section 13-1.1, Revised Ordinances of Honolulu 1990, as amended ("Definitions"), is amended by adding new definitions of "bus stop," "bus stop area," "designated bus stop area," "expressive activity," and "sidewalk" to read as follows:

"Bus stop" has the same meaning as defined in Section 41-21.1.

"Bus stop area" means the area at a bus stop occupying the entire width of the sidewalk that extends 20 feet before a bus stop sign or, for bus stops furnished with a shelter or shelters, the footprint of the shelters, and the entire width of the sidewalk 10 feet before and 10 feet after the footprint of the shelter. The footprint of a shelter is defined by vertical planes, perpendicular to the ground, extending down from the outermost edges of the shelter overhang or roof.

"Designated bus stop area" means a bus stop area at which a sign has been posted as provided in Section 13- .3.

"Expressive activity" means an event, activity, or performance, the sole or principal object of which is the expression, dissemination or communication of opinions, views, or ideas by verbal, visual, literary or auditory means.

"Sidewalk" has the same meaning as defined in Section 29-1.1."

SECTION 3. Chapter 13, Revised Ordinances of Honolulu 1990 ("Public Transit"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:



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"Article __. Lying Down at Bus Stops

Sec. 13-___.1 Prohibition.

- (a) No person may lie down in a designated bus stop area, or on a tarp, towel, blanket, sleeping bag, bedding, chair, bench, tent floor, or any other object or material located in a designated bus stop area between the hours of 4:00 a.m. on one day and 1:00 a.m. of the following day.
- (b) Subsection (a) does not apply to any person:
 - (1) Unable to comply with the direction of a law enforcement officer given under subsection (c) due to a medical condition or emergency;
 - (2) Engaged in an expressive activity;
 - (3) Engaged in a maintenance, repair or construction activity on behalf of a governmental entity or a public utility; or
 - (4) Under the age of six years old who is lying down in a baby carriage, stroller, or carrier, or is lying down while being held or carried by a person who is not lying down.
- (c) No person may be cited for a violation of this article unless the person knowingly or recklessly continues to engage in the conduct prohibited by this article after having been notified by a law enforcement officer that the conduct is unlawful.
- (d) No person may raise as a defense to a prosecution under this article that they were participating in an expressive event or activity, unless they notified the law enforcement officer prior to or at the time of the citation that they were engaging in an expressive activity, or unless it would have been clearly evident to a reasonably observant person that the lying down was part of an expressive activity.

Sec. 13-___.2 Penalty.

A violation of this article is punishable by a fine of up to \$50 for each offense.



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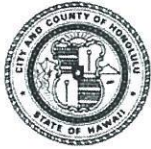
Sec. 13-___.3 Department to post signs.

The department must post a sign at each designated bus stop area indicating that lying down in such area and facility is prohibited. This requirement may be fulfilled either by posting a new sign or by modifying an existing sign to provide notice of the prohibition.

Sec. 13-___.4 Rules.

The director may, pursuant to HRS Chapter 91, adopt rules having the force and effect of law for the implementation, administration, and enforcement of this article."

SECTION 4. New ordinance material in Section 2 of this ordinance is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring.



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SECTION 5. This ordinance takes effect 120 days following its approval.

INTRODUCED BY:



DATE OF INTRODUCTION:

OCT 26 2017

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu